

Senate Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 81

SENATE BILL 1326

AN ACT

AMENDING SECTIONS 32-4101, 32-4103, AND 32-4151, ARIZONA REVISED STATUTES;
RELATING TO THE BOARD OF ATHLETIC TRAINING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-4101, Arizona Revised Statutes, is amended to
3 read:

4 32-4101. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "ATHLETIC ILLNESS" MEANS AN ILLNESS THAT ARISES FROM, OR A
7 MANIFESTATION OF AN ILLNESS THAT OCCURS AS A RESULT OF, A PERSON'S
8 PARTICIPATION IN OR PREPARATION FOR GAMES OR SPORTS OR PARTICIPATION IN
9 RECREATIONAL ACTIVITIES OR PHYSICAL FITNESS ACTIVITIES.

10 ~~1-~~ 2. "Athletic injury" means an injury sustained by a person in a
11 ~~competitive team or individual sport~~ as a result of that person's
12 participation IN or preparation for ~~the competitive team or individual sport~~
13 GAMES OR SPORTS OR PARTICIPATION IN RECREATIONAL ACTIVITIES OR PHYSICAL
14 FITNESS ACTIVITIES, OR ANY INJURY SUSTAINED BY A PERSON THAT IS OF THE TYPE
15 THAT OCCURS DURING PARTICIPATION IN OR PREPARATION FOR GAMES OR SPORTS OR
16 PARTICIPATION IN RECREATIONAL ACTIVITIES OR PHYSICAL FITNESS ACTIVITIES,
17 REGARDLESS OF THE CIRCUMSTANCES UNDER WHICH THE INJURY WAS SUSTAINED.

18 ~~2-~~ 3. "Athletic trainer" means a person who is licensed pursuant to
19 this chapter.

20 ~~3-~~ 4. "Athletic training"--

21 ~~(a)~~ Includes the following activities performed under the direction of
22 a licensed physician AND FOR WHICH THE ATHLETIC TRAINER HAS RECEIVED
23 APPROPRIATE EDUCATION AND TRAINING AS PRESCRIBED BY THE BOARD:

24 ~~(i) Examining, evaluating and testing a person to determine the~~
25 ~~person's injury status and the person's progress in recovery from athletic~~
26 ~~injuries.~~

27 (a) THE PREVENTION, RECOGNITION, EXAMINATION, EVALUATION,
28 REHABILITATION AND MANAGEMENT OF ATHLETIC INJURIES.

29 (b) THE PREVENTION, EVALUATION, IMMEDIATE CARE AND MONITORING OF
30 ATHLETIC ILLNESSES.

31 (c) THE REFERRAL OF A PERSON RECEIVING ATHLETIC TRAINING SERVICES TO
32 APPROPRIATE HEALTH CARE PROFESSIONALS, AS NECESSARY.

33 ~~(ii)~~ (d) ~~Using~~ THE USE OF heat, cold, water, light, sound,
34 electricity, passive or active exercise, massage, ~~or~~ mechanical devices OR
35 ANY OTHER THERAPEUTIC MODALITY to PREVENT, treat, rehabilitate or recondition
36 athletic injuries.

37 ~~(iii) Administering athletic training programs and facilities at the~~
38 ~~athletic training facility or at the site of athletic practice or~~
39 ~~competition.~~

40 (e) THE PLANNING, ADMINISTRATION, EVALUATION, AND MODIFICATION OF
41 METHODS FOR PREVENTION AND RISK MANAGEMENT OF ATHLETIC INJURIES AND ATHLETIC
42 ILLNESSES.

43 ~~(iv)~~ (f) Education and counseling related to all aspects of the
44 practice of athletic training.

1 (g) THE USE OF TOPICAL PHARMACOLOGICAL AGENTS IN CONJUNCTION WITH THE
2 ADMINISTRATION OF THERAPEUTIC MODALITIES AND PURSUANT TO A PRESCRIPTION
3 ISSUED PURSUANT TO THE LAWS OF THIS STATE AND FOR WHICH AN ATHLETIC TRAINER
4 HAS RECEIVED APPROPRIATE EDUCATION AND TRAINING.

5 ~~(b) Does not include treating, assessing or evaluating a person who~~
6 ~~sustains an injury under any circumstance other than during participation in~~
7 ~~or preparation for competitive team or individual sports. This subdivision~~
8 ~~does not prevent the athletic trainer of a professional sports organization~~
9 ~~or an accredited educational institution from treating at the organization's~~
10 ~~or institution's athletic facility any injury of the type that occurs in~~
11 ~~sports regardless of the circumstances under which the injury was sustained.~~

12 5. "ATHLETIC TRAINING STUDENT" MEANS A STUDENT WHO IS CURRENTLY
13 ENROLLED IN AN ATHLETIC TRAINING EDUCATION PROGRAM THAT IS ACCREDITED BY AN
14 ACCREDITING AGENCY RECOGNIZED BY THE BOARD.

15 ~~4.~~ 6. "Board" means the board of athletic training.

16 ~~5.~~ 7. "Direct supervision" means that the supervising athletic
17 trainer is present in the facility or on the campus where student athletic
18 ~~trainers~~ TRAINING STUDENTS are performing services, is immediately available
19 to assist the person being supervised in the services being performed and
20 maintains continued involvement in appropriate aspects of the services being
21 performed.

22 ~~6.~~ 8. "Direction of a licensed physician" means direction as
23 prescribed by the board by rule pursuant to section 32-4103.

24 ~~7.~~ 9. "Licensed physician" means a person WHO IS licensed pursuant to
25 chapter 13 or 17 of this title.

26 ~~8.~~ 10. "Restricted license" means a license on which the board places
27 restrictions or conditions, or both, as to the scope of practice, place of
28 practice, supervision of practice, duration of license status or type or
29 condition of a person to whom the licensee may provide services.

30 Sec. 2. Section 32-4103, Arizona Revised Statutes, is amended to read:

31 32-4103. Board; powers and duties; direction of athletic
32 trainers; continuing education requirements; civil
33 immunity

34 A. The board shall:

35 1. Evaluate the qualifications of applicants for licensure.

36 2. Designate the national examination that it requires applicants to
37 pass.

38 3. Issue licenses to persons who meet the requirements of this
39 chapter.

40 4. Establish requirements pertaining to the ratio between supervising
41 athletic trainers and student athletic trainers.

42 5. Regulate the practice of athletic training by interpreting and
43 enforcing this chapter.

44 6. Establish requirements for assessing the continuing competence of
45 licensees.

1 7. Adopt and revise rules to enforce this chapter.

2 8. Meet at least once each quarter in compliance with the open meeting
3 requirements of title 38, chapter 3, article 3.1 and keep an official record
4 of these meetings.

5 9. At its first regular meeting after the start of each calendar year,
6 elect officers from among its members and as necessary to accomplish board
7 business.

8 10. Provide for the timely orientation and training of new professional
9 and public appointees to the board regarding board licensing and disciplinary
10 procedures, this chapter, board rules and board procedures.

11 11. Maintain a current list of all licensees. This list shall include
12 the licensee's name, current business and residential addresses, telephone
13 numbers and license number.

14 12. Enter into contracts for services necessary to enforce this
15 chapter.

16 13. Publish, at least annually, final disciplinary actions taken
17 against a licensee.

18 14. Publish, at least annually, board rulings, opinions and
19 interpretations of statutes or rules.

20 15. Not later than December 31 of each year, submit a written report of
21 its actions and proceedings to the governor.

22 B. The board shall adopt rules to prescribe the direction of athletic
23 trainers by A licensed ~~physicians~~ PHYSICIAN, including ~~physician~~
24 recommendations, guidelines and instructions as to standard protocols to be
25 followed in the general, day-to-day activities in which athletic trainers
26 engage. These rules shall require that postathletic injury OR ATHLETIC
27 ILLNESS treatment direction be provided by the person's treating physician
28 or, if applicable, by the team physician for the institution or organization
29 that employs the athletic trainer. If appropriate, athletic trainers may
30 also seek direction as to the treatment of an athletic injury OR ATHLETIC
31 ILLNESS from any health care provider who is involved in that person's
32 treatment and who is not licensed pursuant to this chapter but who is
33 licensed pursuant to this title.

34 C. THE BOARD SHALL ADOPT RULES TO PRESCRIBE THE APPROPRIATE EDUCATION
35 AND TRAINING FOR SERVICES THAT ARE PROPER TO BE PERFORMED BY AN ATHLETIC
36 TRAINER.

37 ~~E.~~ D. The board may adopt rules to prescribe continuing education
38 requirements for licensure renewal, including a rule to allow the board to
39 waive continuing education requirements for reasons of extreme hardship.

40 E. A PHYSICIAN WHO, WITHOUT COMPENSATION, PROVIDES DIRECTION TO AN
41 ATHLETIC TRAINER THAT CONSISTS OF RECOMMENDATIONS, GUIDELINES AND
42 INSTRUCTIONS AS TO STANDARD PROTOCOLS TO BE FOLLOWED IN THE GENERAL DAY-TO-
43 DAY ACTIVITIES IN WHICH ATHLETIC TRAINERS ENGAGE IS NOT SUBJECT TO CIVIL
44 LIABILITY FOR PROVIDING THAT DIRECTION IF THE PHYSICIAN IS NOT GUILTY OF
45 GROSS NEGLIGENCE OR INTENTIONAL MISCONDUCT IN PROVIDING THAT DIRECTION.

1 Sec. 3. Section 32-4151, Arizona Revised Statutes, is amended to read:
2 32-4151. Lawful practice

3 A. An athletic trainer shall refer a person with an athletic injury OR
4 ATHLETIC ILLNESS to one or more appropriate health care practitioners if the
5 athletic trainer has reasonable cause to believe symptoms or conditions are
6 present that require services beyond the scope of practice of athletic
7 training or if athletic training is contraindicated.

8 B. An athletic trainer shall adhere to the recognized standards and
9 ethics of the athletic training profession and as further established by
10 rule.

11 C. This chapter does not authorize an athletic trainer to practice any
12 other profession regulated under this title and does not expand the scope of
13 practice of any health care provider who is not licensed pursuant to this
14 chapter but who is licensed pursuant to this title.

15 D. THIS CHAPTER DOES NOT AUTHORIZE AN ATHLETIC TRAINER TO TREAT AN
16 ATHLETIC ILLNESS AT ANY TIME OTHER THAN DURING A PERSON'S PARTICIPATION IN OR
17 PREPARATION FOR GAMES OR SPORTS OR PARTICIPATION IN RECREATIONAL ACTIVITIES
18 OR PHYSICAL FITNESS ACTIVITIES.

APPROVED BY THE GOVERNOR APRIL 16, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2010.